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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/027,814	12/20/2001	Azmi B. Osman	27006-0002	9480

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EXAMINER

VAN PELT, BRADLEY J

ART UNIT

PAPER NUMBER

3682

DATE MAILED: 03/12/2003

Please find below and/or attached an Office communication concerning this application or proceeding.

Office Action Summary

Application No.

10/027,814

Applicant(s)

OSMAN, AZMI B.

Examiner

Bradley J Van Pelt

Art Unit

3682

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --
Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133).
- Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☐ Responsive to communication(s) filed on ____.
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1-21 is/are pending in the application.
- 4a) Of the above claim(s) ____ is/are withdrawn from consideration.
- 5) ☐ Claim(s) ____ is/are allowed.
- 6) ☒ Claim(s) 1-21 is/are rejected.
- 7) ☐ Claim(s) ____ is/are objected to.
- 8) ☐ Claim(s) ____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☒ The drawing(s) filed on 20 December 2001 is/are: a) ☐ accepted or b) ☒ objected to by the Examiner. w/ 3/6/03
- Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
- 11) ☐ The proposed drawing correction filed on ____ is: a) ☐ approved b) ☐ disapproved by the Examiner.
- If approved, corrected drawings are required in reply to this Office action.
- 12) ☐ The oath or declaration is objected to by the Examiner.

Priority under 35 U.S.C. §§ 119 and 120

- 13) ☒ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☒ All b) ☐ Some * c) ☐ None of:
1. ☒ Certified copies of the priority documents have been received.
2. ☐ Certified copies of the priority documents have been received in Application No. ____.
3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).
- * See the attached detailed Office action for a list of the certified copies not received.
- 14) ☐ Acknowledgment is made of a claim for domestic priority under 35 U.S.C. § 119(e) (to a provisional application).
- a) ☐ The translation of the foreign language provisional application has been received.
- 15) ☐ Acknowledgment is made of a claim for domestic priority under 35 U.S.C. §§ 120 and/or 121.

Attachment(s)

- 1) ☒ Notice of References Cited (PTO-892)
- 2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
- 3) ☐ Information Disclosure Statement(s) (PTO-1449) Paper No(s) ____.
- 4) ☐ Interview Summary (PTO-413) Paper No(s) ____.
- 5) ☐ Notice of Informal Patent Application (PTO-152)
- 6) ☐ Other:

DETAILED ACTION

Drawings

1. The drawings are objected to under 37 CFR 1.83(a). The drawings must show every feature of the invention specified in the claims. Therefore, the channels that are V-shaped, and the radius of curvature that is 2000mm must be shown or the feature(s) canceled from the claim(s). No new matter should be entered.

A proposed drawing correction or corrected drawings are required in reply to the Office action to avoid abandonment of the application. The objection to the drawings will not be held in abeyance.

2. The drawings are objected to as failing to comply with 37 CFR 1.84(p)(5) because they do not include the following reference sign(s) mentioned in the description: pg. 6, paragraph [0021], "main body 6". A proposed drawing correction or corrected drawings are required in reply to the Office action to avoid abandonment of the application. The objection to the drawings will not be held in abeyance.

Claim Rejections - 35 USC § 112

3. The following is a quotation of the first paragraph of 35 U.S.C. 112:

The specification shall contain a written description of the invention, and of the manner and process of making and using it, in such full, clear, concise, and exact terms as to enable any person skilled in the art to which it pertains, or with which it is most nearly connected, to make and use the same and shall set forth the best mode contemplated by the inventor of carrying out his invention.

4. Claims 11 and 16 are rejected under 35 U.S.C. 112, first paragraph, as containing subject matter which was not described in the specification in such a way as to enable one skilled in the

art to which it pertains, or with which it is most nearly connected, to make and/or use the invention.

Claim 11, it is not clear to the office how the radius of curvature of the channels can be 2 meters.

Claim 16, it is not clear to the office how the channels along the base are of a height which is less than their height in the region of reduced height.

5. The following is a quotation of the second paragraph of 35 U.S.C. 112:

The specification shall conclude with one or more claims particularly pointing out and distinctly claiming the subject matter which the applicant regards as his invention.

6. Claims 10 and 11 are rejected under 35 U.S.C. 112, second paragraph, as being indefinite for failing to particularly point out and distinctly claim the subject matter which applicant regards as the invention.

Claim 10 recites the limitation "the taper" in line 1. There is insufficient antecedent basis for this limitation in the claim.

The term "large radius" in claim 10 is a relative term, which renders the claim indefinite. The term "large radius" is not defined by the claim, the specification does not provide a standard for ascertaining the requisite degree, and one of ordinary skill in the art would not be reasonably apprised of the scope of the invention.

Claim 11 recites the limitation "the radius of curvature" in line 1. There is insufficient antecedent basis for this limitation in the claim.

Claim Rejections - 35 USC § 102

7. The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(b) the invention was patented or described in a printed publication in this or a foreign country or in public use or on sale in this country, more than one year prior to the date of application for patent in the United States.

8. Claims 1, 2, 4, 5, 6, 10, 12-17 are rejected under 35 U.S.C. 102(b) as being anticipated by Onozaki (JP 11-280548).

Onozaki discloses an oil pan for an engine comprising: a plurality of substantially parallel, spaced-apart reinforcement channels (see Fig. 3 bottom grooves) extending from adjacent a first end (23) of the oil pan to adjacent a second end (thinner area) of the oil pan, each channel having a base and two sides and an open top, the channels tapering downwardly from the first end and the second end towards an accumulation area (see fig. 1 flat circular portion 28) of the oil pan; wherein the reinforcement channels are substantially U-shaped; the second end of the oil pan has an end surface which is substantially planar; said end surface has no tool access pockets therein; wherein adjacent the second end and intermediate the width of the second end, the oil pan has a region (3) of reduced height, and wherein the region of reduced height having a planar portion into which the at least one reinforcing channel does not extend; wherein the taper is created by curving the channels with a large radius of curvature; wherein the oil pan has a main body, the main body having two side walls (21, 22), a first end wall (23) , and a base (25), and wherein the accumulation area is integral with the base; the oil pan has a region of reduced height and the main body has a second end wall (20) which tapers into the region of reduced height; wherein there are no channels in the accumulation area; the channels extend up the first end wall but at a reducing height up the first end wall (see figs. 2 and 3 outline of channels extend up wall); wherein the channels along the base are of a height which is less than their height in the region of reduced height; wherein there are three channels.

Claim Rejections - 35 USC § 103

9. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

10. Claim 3 is rejected under 35 U.S.C. 103(a) as being unpatentable over Onozaki (JP 11-280548), as applied to claim 1, in view of Hofbauer et al. (USPN 4,296,716).

Onozaki discloses all of the instantly claimed invention except the reinforcement channels are V-shaped.

Hofbauer et al. show reinforcement channels that are V-shaped. It would have been obvious to one having ordinary skill in the art at the time the invention was made to form the channels in a V-shape, since Hofbauer et al. state at column 3, lines 43-48, that such a modification would ensure better cooling of the oil.

11. Claims 7-9, and 18-21 are rejected under 35 U.S.C. 103(a) as being unpatentable over Onozaki (JP 11-280548), as applied to claim 1, in view of Takubo (USPN 4,770,276).

Onozaki does not disclose the planar portion is adapted to releasably receive thereon a horizontal portion of a substantially L-shaped cover plate; the cover plate has a substantially upright portion such that when the cover plate is mounted on the planar portion, the substantially upright portion is substantially coplanar with the end surface; wherein the substantially upright portion has a securing flange at an end thereof remote from the horizontal portion; a plurality of bolt holes are provided in each of the securing flange and the horizontal portion; wherein bolt holes are not provided in the upright portion.

Takubo discloses a planar portion is adapted to releasably receive thereon a horizontal portion (28) of a substantially L-shaped cover plate (27); the cover plate has a substantially upright portion (mid-portion) such that when the cover plate is mounted on the planar portion, the substantially upright portion is substantially coplanar with the end surface; wherein the substantially upright portion has a securing flange (30) at an end thereof remote from the horizontal portion; a plurality of bolt holes are provided in each of the securing flange and the horizontal portion; wherein bolt holes are not provided in the upright portion.

It would have been obvious to one of ordinary skill in the art at the time of the invention to modify the oil pan of Onozaki with a cover plate for the purpose of reinforcing the mounting of the oil pan to the transmission.

Conclusion

12. The prior art made of record and not relied upon is considered pertinent to applicant's disclosure. Clements (1,892,185), Hall (USPN 2,577,188), Moller (USPN 4,395,982), Sasada et al. (USPN 4,848,293), Covington (USPN 6,183,632), and Ozeki (JP 8-158845).

13. Any inquiry concerning this communication or earlier communications from the examiner should be directed to Bradley J Van Pelt whose telephone number is (703)305-8176. The examiner can normally be reached on M-Th 7:00-4:30, 2nd F 7:00-3:30.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, David A Bucci can be reached on (703)308-3668. The fax phone numbers for the organization where this application or proceeding is assigned are (703)746-9391 for regular communications and (703)305-3597 for After Final communications.

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Any inquiry of a general nature or relating to the status of this application or proceeding should be directed to the receptionist whose telephone number is (703)308-2168.

BJVP *BJVP*
March 6, 2003

William C. Joyce 3/6/03
William C. Joyce
Patent Examiner